

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DARWYNN L. BARWICK,

Plaintiff,

-vs-

KIMBERLY HARSHBARGER,

Defendant.

:

Case No. 3:05-cv-214

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

**ORDER ADOPTING REPORT AND RECOMMENDATIONS ON MOTION FOR
JUDGMENT *NON OBSTANTE VEREDICTO***

This action is before the Court on Plaintiff's Motion for Judgment NOV (*non obstante veredicto*) or for a new trial (Doc. No. 13). The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #14), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on October 6, 2005, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Plaintiff's Motion for Judgment NOV or New Trial be denied.

October 14, 2005.

s/Thomas M. Rose

Thomas M. Rose
United States District Judge